

Remarks/Arguments

I. Status of the Claims:

Claims 31 – 36, 51, 54, 60 – 62, 66, 66 – 76 and 80 – 88 stand rejected. Claims 31 – 36, 51, 54, 60 – 62, 66, 66 – 76 and 80 – 88 are cancelled herewith without prejudice or disclaimer. Applicant reserves the right to file one or more divisional applications at a later date capturing any subject matter set forth in any cancelled or withdrawn claims. Claims 89 – 111 are new. The newly added claims are fully supported by the specification as filed, including but not limited to the claims as filed, and do not add new matter. Entry thereof is respectfully requested. Claims 89 – 111 are pending in the case.

II. Rejections Under 35 U.S.C. § 112:

Claims 31 – 36, 51, 54, 60 – 62, 66, 66 – 76 and 80 – 88 stand rejected for allegedly failing to comply with the written description requirement of 35 U.S.C. §112, first paragraph. Specifically, the Examiner asserts that the term “foci” appearing in the previously amended claims does not appear in the specification. Additionally, the Examiner asserts that the change of “ng to µg” in claim 72 is not supported by the specification as filed. While Applicant respectfully disagrees with these rejections and believes that the previously amended claims were fully supported by the specification as filed, claims 31 – 36, 51, 54, 60 – 62, 66, 66 – 76 and 80 – 88 have nevertheless been cancelled solely for the purpose of advancing prosecution of the case, and without agreeing with or acquiescing to the Examiner’s assertions regarding the validity thereof. The cancelled claims have been replaced with new claims 89 – 111, which are fully supported by the specification as filed. Support for the newly added claims may be found at least in the abstract, Figures 1 – 5, paragraphs 19 – 84, examples 1 – VII, and the claims as filed. Accordingly, Applicant respectfully requests that the rejections of the claims under 35 U.S.C. §112, first paragraph be removed.

III. Rejections Under 35 U.S.C. § 103(a):

Claims 70 – 73, 80 and 84 – 88 stand rejected under 35 USC §103(a) as allegedly being obvious over the combination of Shalon and Bangs Laboratories, Inc. (“Bangs”). Claims 31 – 33, 36, 51, 54, 60, 61, 66, 69, 74 – 76 and 81 – 83 stand rejected under 35 USC §103(a) as allegedly being obvious over the combination of Shalon, Bangs, Unlü and Foster. Claims 34 and 35 stand rejected under 35 USC §103(a) as

allegedly being obvious over the combination of Shalon, Bangs, Unlü, Foster and Ragg and Whittlow (“Ragg”). Claim 62 stands rejected under 35 USC §103(a) as allegedly being obvious over the combination of Shalon, Bangs, Unlü, Foster and Köhler. Without agreeing with or acquiescing to the Examiner’s arguments presented in support of these obviousness rejections, Applicant believes them to be moot in light of the cancellation of claims 31 – 36, 51, 54, 60 – 62, 66, 66 – 76 and 80 – 88 and the replacement thereof with new claims 89 – 11. Accordingly, Applicant requests that these rejections be withdrawn.

Applicant submits that a full and complete reply to the outstanding Office Action has been provided with this filing. Applicant respectfully requests a three (3) month extension of time for this response and submits the required fees by electronic filing. If any additional extensions of time are necessary to prevent abandonment of this application, or any additional fees such as excess claims fees are required, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any required fees (including but not limited to appropriate petition fees or fees for net addition of claims) are hereby authorized to be charged to our **Deposit Account No. 50-3994**, from which the undersigned is authorized to draw funds.

Respectfully submitted,

/Jonathan P. Aumais/

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Limited Recognition No. L0431

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